

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

EUGENIO VARGAS,	§	
	§	
	§	
Plaintiff/Counterclaim Defendant,	§	Civil Action No. 4:22-cv-430-Y
v.	§	
	§	Judge Terry R. Means
ASSOCIATION OF PROFESSIONAL	§	
FLIGHT ATTENDANTS, <i>et al.</i> ,	§	(Relates to Motion Referred to
	§	Magistrate Judge Cureton)
Defendants/Counterclaim Plaintiff.	§	

**APPENDIX IN SUPPORT OF DEFENDANTS’ RESPONSE IN OPPOSITION
TO PLAINTIFF’S SECOND MOTION TO COMPEL
PRODUCTION OF DOCUMENTS**

Pursuant to Local Rule 7.1(i) and Section II.C of this Court’s Case Management Requirements, the Association of Professional Flight Attendants (“APFA”) submits this appendix of materials cited in Defendants’ Response in Opposition to Plaintiff’s Second Motion to Compel Production of Documents:

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Declaration of Charlette Matts	Appx. 1-3
Email re: Request for Production – 9/1/23	Appx. 4
Email re: Transmittal – 9/13/23	Appx. 5
Email re: Supplemental Production – 10/12/23	Appx. 6
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Dated: November 17, 2023

Respectfully submitted,

/s/ James D. Sanford
JAMES D. SANFORD
Tex. Bar No. 24051289
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D.C. Bar No. 435832
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Tel.: (202) 624-7400; Fax: (202) 624-7420
Email: jbartos@geclaw.com

*Counsel for Defendant and Counterclaim Plaintiff
Association of Professional Flight Attendants, and
Defendants Julie Hedrick and Erik Harris*

CHARLETTE L. MATTS (*pro hac vice*)
Tex. Bar No. 24133870
Association of Professional Flight Attendants
1004 W. Eulless Blvd.
Eulless, TX 76040
Tel.: (682) 301-8454
Email: Cmatts@apfa.org

*Counsel for Defendant and Counterclaim Plaintiff
Association of Professional Flight Attendants*

CERTIFICATE OF SERVICE

I certify that on November 17, 2023, a true and correct copy of the foregoing Appendix of Materials Cited in Defendants' Response in Opposition to Plaintiff's Second Motion to Compel Production of Documents was served upon all persons who have requested notice and service of pleadings in this case via the Court's ECF system.

KERRI PHILLIPS
K.D. Phillips Law Firm, PLLC
6010 W. Spring Creek Parkway
Plano, TX 75024
Phone: (972) 327-5800
Fax: (940) 400-0089
Email: kerri@KDphillipslaw.com

MICHAEL R RAKE
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/s/ James D. Sanford
JAMES D. SANFORD

DECLARATION OF CHARLETTE MATTS

Charlette Matts hereby declares, pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney licensed in the State of Texas and am employed as a Staff Attorney by the Association of Professional Flight Attendants (“APFA”). I am one of the attorneys for APFA in both *Ross v. APFA*, No. 4:22-cv-343-Y (N.D. Tex.) and *Vargas v. APFA*, No. 4:22-cv-430-Y (N.D. Tex.).

2. I am familiar with the Requests for Production which were served by Plaintiff’s counsel on APFA in *Ross v. APFA*, No. 4:22-cv-343-Y (N.D. Tex.) and *Vargas v. APFA*, No. 4:22-cv-430-Y (N.D. Tex.) which have been filed by Plaintiff Ross as Appendix pages 24-33 in support of his Second Motion to Compel, *Ross* Doc. 142 at ECF 27-36., and by Plaintiff Vargas as Appendix pages 23-31, *Vargas* Doc. 141 at ECF 26-34.

3. The Requests demanded documents and communications of any kind, since April 1, 2020, between various APFA elected representatives, APFA legal counsel, APFA rank-and-file members, Arbitrator Armendariz, Diversified and the Department of Labor related to the following categories:

- “[t]he Ross Administration;
- “Article VII of the APFA Constitution”;
- “[t]he Ross Transition Agreement”;
- “Hal O’Neil’s accounting review of the Ross Transition Agreement”;
- “[t]he Confidential Memo”;
- [t]he Overpayment of Wages Letter”;
- the December 13, 2014 to December 12, 2019 Collective Bargaining Agreement between American Airline and APFA;

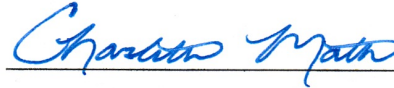
- “the Ross Article VII Arbitration”;
- “the Ross Arbitration Award”,
- an alleged “merger between APFA and AFA”;
- “the Vargas Article VII Arbitration correspondence and communications”
- “the Vargas Arbitration Award”;
- “the Martin Article VII Arbitration”
- “Nena Martin’s charges against Melissa Chinery-Burns on October 14, 2022;
- “the quarterly Executive Committee meeting held on December 1, 2020”; and
- “social media posts, presidential hotlines, and public statements ...[that] discuss the Ross Administration’s alleged theft, misappropriations, malfeasance, APFA Policy violations, or misconduct”.

4. I was involved in APFA’s efforts to identify and produce documents responsive to these requests consistent with the APFA’s objections to the Requests. In response to earlier discovery requests, APFA had already collected and produced to Plaintiffs documents pertaining to analyses by Hal O’Neil, the “Confidential Memo”, and the “Overpayment of Wages Letter”. After receiving Plaintiffs’ next set of Requests for Production, I oversaw APFA’s effort to locate and produce documents and communications relating to Plaintiff’s Transition Agreement from April 1, 2020, to the present; Robert Ross’s Article VII Arbitration proceeding and the corresponding Opinion and Awards; Eugenio Vargas’ Article VII Arbitration and the corresponding Opinion and Awards; communications regarding any potential merger with AFA; and the Executive Committee meeting of December 1, 2020,

5. To identify responsive documents, I coordinated with APFA’s IT Department to gain access to various email accounts and supervised searches for responsive emails sent to and

from those email addresses. I also coordinated with the APFA Documents Historian to search APFA Archives for documents and information subject to the Requests. I searched the APFA website for documents and information subject to the Requests, and I also received documents from individual officers and representatives of APFA. Subsequently, I reviewed the documents and communications produced from all sources, to determine whether the documents fell within the scope of Plaintiff's Requests. Documents not already maintained as a PDF file were converted to PDF files. Further, I supervised the indexing and numbering of the documents and communications for transmission to APFA's outside counsel. This review is ongoing and if any additional responsive documents are identified, they will also be provided to Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 17th day of November, 2023.



Charlette Matts

Vargas - Requests for Production to APFA

Jeff Bartos <jbartos@geclaw.com>

Fri 9/1/2023 10:30 AM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>; Joe Gillespie <joe@gillespiesanford.com>

 1 attachments (8 MB)

APFA 1 -99 - Vargas 1st RFP #2 and 3.pdf;

Kerri,

Following up on our discussion and subsequent emails, attached please find documents numbered APFA1-99 which are responsive to items number 2 and 2 of Mr. Vargas's original Requests for Production. APFA maintains its original objections to these requests.

The original Requests for Production also included a request for various insurance policies. These have all been produced to you by IMA in response to your subpoena to them.

Jeff

*Jeffrey A Bartos
Guerrieri Bartos & Roma PC
1900 M Street, NW
Suite 700
Washington, DC 20036
202-624-7400*

www.geclaw.com

Ross and Vargas - documents

Jeff Bartos <jbartos@geclaw.com>

Wed 9/13/2023 5:10 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>; John Grunert <jgrunert@geclaw.com>

Kerri,

Please find below a link to a Dropbox account containing the APFA's document production in both *Ross and Vargas*.

The password to access the Dropbox is "[REDACTED]".

Please note that the production is organized by Roman numerals followed by Bates numbers, and that there are no documents corresponding to the following Bates numbers, II. 633-656, 706-784, 830-871, and 1369-1371 and III. 794-832, 881-1026, 1033-1095.

[https://www.dropbox.com/scl/fo/ndhgxs2h4qaw936a50aa/h?rlkey:\[REDACTED\]](https://www.dropbox.com/scl/fo/ndhgxs2h4qaw936a50aa/h?rlkey:[REDACTED])

Jeff

*Jeffrey A Bartos
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Ross v. APFA / Vargas v APFA -- APFA Supplemental Production

Jeff Bartos <jbartos@geclaw.com>

Thu 10/12/2023 3:06 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>; Michael Rake <mrake1@mrakeattorney.com>

Kerri,

Attached please find links to the APFA's supplemental document production, with documents numbered APFA.VII-1 - APFA.VII.787. Please let me know if you have any issues accessing the files.

[APFA VII.1-303.pdf](#)

[APFA VII.304-373.pdf](#)

[APFA VII.374-787.pdf](#)

The password for the files is: 

Jeff

*Jeffrey A Bartos
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Ross / Vargas - Document production

Jeff Bartos <jbartos@geclaw.com>

Fri 10/13/2023 3:01 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>; Michael Rake <mrake1@mrakeattorney.com>

 1 attachments (3 MB)

APFA VII.788-972.pdf;

Kerri,

Enclosed please find documents numbered APFA VII.788-972, which are responsive to your requests for production.

Please let me know if you have any difficulty opening the pdf.

Jeff

*Jeffrey A Bartos
Guerrieri Bartos & Roma PC
1900 M Street, NW
Suite 700
Washington, DC 20036
202-624-7400*

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Re: Vargas v. APFA - Vargas' 2022 Requests for Production

Jeff Bartos <jbartos@geclaw.com>

Fri 10/20/2023 12:36 PM

To: Kerri Phillips <Kerri@KDPhillipsLaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>

 [APFA 100-176 1.pdf](#)

Kerri,

As promised in my email of yesterday, please find a link to documents numbered APFA 100-176, which are the email chains of the documents numbered APFA 1-82, and responsive to the 2022 RFPs.

Please let me know if you have any trouble accessing the documents.

Jeff

From: Jeff Bartos <jbartos@geclaw.com>

Sent: Thursday, October 19, 2023 11:50 AM

To: Kerri Phillips <Kerri@KDPhillipsLaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>

Subject: Vargas v. APFA - Vargas' 2022 Requests for Production

Kerri,

I'm writing to determine whether, and if so to what extent, we still have any dispute regarding the Mr. Vargas' 2022 Requests for Production. My views are set forth below:

In July 2022, you served three requests for production on behalf of Mr. Vargas. These sought (1) insurance policy documents; (2) communication between APFA and Woods Stephens & O'Neil ("WSO") "concerning the Ross Administration"; and (3) communications between "APFA officials ... or any APFA counsel ... which disseminated any communications or documentation from Wood, Stephens & O'Neil LLP concerning the Ross Administration."

APFA timely responded to those requests with a variety of objections. On August 14, 2023, you asked whether documents would be produced, "in particular those relating to the Confidential Memo." After an exchange of emails and at least one phone call, on September 1, 2023, APFA produced documents numbered APFA 1-99 which were all communications between O'Neil and APFA, and within APFA, regarding the Confidential Memo, including any dissemination of that memo. In addition, the requested insurance policy documents have been produced, in full, by IMA in response to your subpoena, identified as documents IMA1-1480.

You have raised an issue regarding the format of production of APFA1-99, and we will be producing complete email chains as you requested.

You have also raised an issue regarding a privilege log. We are in the process of determining whether there are any privileged communications within the narrowed scope of this production, and will

provide one, if applicable, as soon as we can.

Please let me know if, with respect to the APFA responses to Mr. Vargas' 2022 Requests for Production, you feel there are any issues other than the ones I have described above, so that we may promptly address them. I am in meetings this afternoon, but am generally available tomorrow if you would like to discuss

Thank you,

Jeff

*Jeffrey A Bartos
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Ross / Vargas - Supplement to APFA Document Production

Jeff Bartos <jbartos@geclaw.com>

Thu 10/26/2023 11:29 AM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>

Kerri,

The link below contains documents numbered APFA VII.973-1331, which are responsive to plaintiffs' requests for production. Please let me know if you have any problem accessing the files.

☐ [APFA VII.973-1331 1.pdf](#)

Jeff

*Jeffrey A Bartos
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APFA Supplemental Document Production

Jeff Bartos <jbartos@geclaw.com>

Tue 10/31/2023 12:48 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>

Kerri,

Attached via the following link, please find the AFPA's supplemental production of documents numbered APFA VII.1332-1855:

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:f5fef220-4660->

Please let me know if you have any difficulty accessing the documents.

Jeff

Jeffrey A Bartos

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1900 M Street, NW

Suite 700

Washington, DC 20036

202-624-7400

www.geclaw.com

Ross Vargas

Jeff Bartos <jbartos@geclaw.com>

Tue 10/31/2023 6:54 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>

 1 attachments (152 KB)

APFA Defs Privilege Log.pdf;

Kerri,

Attached please find a privilege log for the APFA Defendants in connection with their Response to Requests for Production.

Jeff

*Jeffrey A Bartos
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Ross v. APFA; Vargas v. APFA - Supplemental Production

Jeff Bartos <jbartos@geclaw.com>

Mon 11/13/2023 2:25 PM

To: Kerri Phillips <Kerri@KDphillipslaw.com>

Cc: Charlette Matts <cmatts@apfa.org>; James Sanford <jim@gillespiesanford.com>; John Grunert <jgrunert@geclaw.com>

 1 attachments (12 MB)

APFA 177-209.pdf;

Kerri,

Attached please find documents numbered APFA 177-209, which include the attachments to the documents previously produced as APFA 3 and APFA 4.

Jeff

*Jeffrey A Bartos
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PRODUCTION INDEX – EMAILS

For illustrative purposes, the below table lists documents from the APFA Defendants' production to Plaintiffs Ross and Vargas which consist of emails, and identifies in parentheses the emails which are to or from National Officers Hedrick, Harris, Black and/or Salas. Documents identified solely as "emails" do not include those Officers.

The "Production Category" column reflects the numbering prefix system used by the APFA Defendants in these cases.

Production Category	Bates Number & Description
APFA I	000002-000003 (Hedrick, Black emails); 000004-000005 (Black emails); 000007 (Emails), 000010 (Emails), 000065 (Emails), 000067 (Hedrick, Black emails).
APFA II	000001-000012 (Chinery, Officer emails); 000872-000880 (Officer emails); 000884-000889 (Hedrick, Harris emails); 001129 (Black emails); 001130 (Chinery emails); 001131 (Black emails); 001132-001137 (Chinery, Officer emails); 001203-1205 (Hedrick emails); 001208-001218 (Officer emails); 001223-001226 (Emails); 001246-001247 (Hedrick emails); 001250 (Officer emails); 001272-001275 (Officer emails); 001277 (Officer emails); 001285-001292 (Officer, Chinery emails); 001297-001302 (Chinery emails); 001306-001313 (Officer, Chinery emails); 001316-001325 (Chinery emails); 001345 (Chinery emails); 001373-001406 (Chinery emails); 001414 (Chinery emails); 001444-001446 (Harris emails); 001485 (Emails); 001692 (Emails); 001766-001767 (Emails); 001876 (Emails); 001970-001972 (Emails).
APFA III	000001-000007 (Chinery emails); 001075-001083 (Chinery emails); 001079 (Officer emails); 001087-001088 (Hedrick emails); 001089-001092 (Harris emails); 001096 (Officer emails); 001099-001105 (Officer emails); 001166-001168 (Emails); 001186-001189 (Emails); 001213-001217 (Emails); 001222-001224 (Chinery emails); 001226-001228 (Emails); 001276-001281 (Emails); 001373 (Emails); 001375-001383 (Emails); 001384-001387 (Chinery emails); 001388-001392 (Emails); 001399-001402 (Emails); 001405 (Emails); 001411-001415 (Emails); 001418-001431 (Emails); 001433-001435 (Emails); 001437-001454 (Emails); 001463-001482 (Officer emails); 001485-001497 (Officer emails); 001499-001510 (Chinery, Officer emails); 001512 (Officer emails); 001515-001520

	(Officer emails); 001523-001530 (Officer emails); 001532-001553 (Emails); 001588 (Emails); 001590 (Emails); 001890 (Emails); 001917-001918 (Emails); 002647-002649 (Harris emails); 001649-001650 (Chinery emails).
APFA V	000013-000019 (Chinery emails).
APFA VI	000001-000002 (Harris emails); 000003-000004 (Officer emails); 000038-000045 (Harris emails); 000046 (Officer emails); 000047-000049 (Harris emails); 000050 (Officer emails); 000051-000055 (Harris emails); 000066-000071 (Harris emails); 000072 (Officer emails); 000073-000075 (Harris emails); 000076 (Officer emails); 000077-000081 (Harris emails).
APFA VII	000004-000005 (Harris emails); 000010-000013 (Hedrick emails); 000014-000041 (Officer emails); 000042-000046 (Officer emails); 000048-000050 (Hedrick emails); 000058 (Officer emails); 000063-000070 (Officer emails); 000091-000092 (Hedrick emails); 000093-000095 (Officer emails); 000098 (Officer emails); 000100-101 (Officer emails); 000133-000134 (Officer emails); 000159-000160 (Officer emails); 000161-000293 (Officer emails); 000295 (Officer emails); 000300-000303 (Harris, Hedrick emails); 000374-000375 (Black emails); 000376-000435 (Officer emails); 000437 (Emails); 000439 (Black emails); 000445-000454 (Black emails); 000463-000465 (Black emails); 000477 (Black emails); 000492 (Hedrick emails); 000493-000497 (Emails); 000498-000504 (Harris, Hedrick emails); 000505-000507 (Officer emails); 000508-000514 (Officer emails); 000515 (Black emails); 000517 (Emails); 000522-000527 (Officer emails); 000528 (Emails); 000533 (Black emails); 000536-000538 (Officer emails); 000539-000542 (Officer emails); 000543-000546 (Black emails); 000547-000638 (Officer emails); 000639 (Black emails); 000673-000675 (Black emails); 000713-000719 (Officer emails); 000724 (Black emails); 000753 (Black emails); 000756 (Officer emails); 000757-000761 (Black emails); 000764 (Black emails); 000841-000851 (Officer emails); 000852 (Hedrick emails); 000855 (Harris emails); 000871-000960 (Officer emails); 000961 (Hedrick emails); 000964 (Hedrick emails); 001036 (Officer emails); 001044 (Officer emails); 001046 (Officer emails); 001049-001052 (Officer emails); 001053 (Hedrick emails); 001054 (Hedrick, Salas, Harris emails); 001057 (Harris, Hedrick emails); 001060-001070 (Officer emails); 001071 (Officer emails); 001075 (Officer emails); 001079-001083 (Officer emails); 001084-001122 (Harris, Hedrick emails); 001125-001133 (Officer emails); 001134-001137 (Officer emails); 001140-001143 (Officer emails); 001144-001154 (Officer emails); 001160-001169 (Officer emails); 001170-001202 (Officer

	<p>emails); 001203-001207 (Hedrick emails); 001208-001221 (Officer emails); 001222-001223 (Hedrick, Salas emails); 001224-001227 (Officer emails); 001228 (Black, Hedrick, Salas emails); 001229 (Black, Hedrick, Salas emails); 001230 (Harris, Hedrick emails); 001231 (Harris emails); 001232 (Hedrick emails); 001233-001236 (Officer emails); 001237-001244 (Harris emails); 001245-001248 (Black emails); 001249-001254 (Officer emails); 001255-001260 (Officer emails); 001261-1265 (Hedrick emails); 001266 (Salas emails); 001267-001271 (Hedrick emails); 001272 (Black emails); 001273-001281 (Emails); 001282 (Officer emails); 001283 (Black emails); 001284-001286 (Harris emails); 001287-001294 (Black Emails); 001295 (Harris emails); 001296-1297 (Black, Harris emails); 001318-001319 (Black emails); 001320-001321 (Black emails); 001325 (Harris emails); 001332-001333 (Hedrick emails); 001334 (Emails); 001335-001336 (Hedrick, Black emails); 001337 (Hedrick emails); 001338-001340 (Black emails); 001341 (Emails); 001342-001346 (Black emails); 001391 (Black emails); 001399 (Black emails); 001401-001402 (Black emails); 001460-001470 (Black emails); 001471-001474 (Black emails); 001493-001494 (Black, Hedrick emails); 001495 (Hedrick emails); 001496-001501 (Black emails); 001523-001525 (Black emails); 001534 (Black emails); 001579 (Black emails); 001593 (Black emails); 001667 (Black emails); 001698-001699 (Black emails); 001730 (Black emails); 001746-001747 (Black emails); 001801-001802 (Black emails).</p>
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